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OCT 08 2004

OFFICE OF PETITIONS

In re Application of	:
Patrick Brouhon et al.	:
Application No. 10/661,000	: DECISION ACCORDING STATUS
Filed: September 10, 2003	: UNDER 37 CFR 1.47(a)
Attorney Docket No: B-5233621240-1	:

This is in response to the renewed petition filed under 37 CFR 1.47(a) on September 7, 2004 (certificate of mail date, September 2, 2004).

The petition is **GRANTED**.

The above-identified application was filed on September 10, 2003 naming Patrick Brouhon and Ira Goldstein as joint inventors, but without a signed declaration. A "Notice To File Missing Parts of Application" was mailed December 2, 2003, requiring *inter alia* a properly executed oath or declaration. In response, on May 27, 2004, a petition was filed with a request for an extension of time and a declaration signed only by joint inventor Brouhon. The petition was dismissed in a decision mailed July 2, 2004.

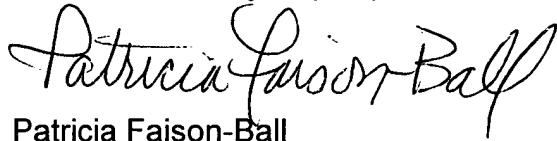
A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

In response to the decision dismissing the petition filed May 27, 2004, proof that a complete application packet was sent to and received by Mr. Goldstein has been submitted. Further, the statements made by Lola Flores and Suzanne Johnston indicates that no response to the correspondences sent to Mr. Goldstein by email and by courier have been received. Thus, by his actions, it appears that Mr. Goldstein refuses to cooperate with the filing of the above identified application.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to Technology Center 2854 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions